



1PW/1617

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/547,501	
	Filing Date	APRIL 12, 2000	
	First Named Inventor	CHRISTIAN	
	Art Unit	1617	
	Examiner Name	SHAOJIA A. JIANG	
Total Number of Pages in This Submission	11	Attorney Docket Number	IMI-002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> Response to Notice of Non-Compliant Amendment: Preliminary Amendment in RCE; No Fee Is Required	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	BioMedPatent John S. Sundsmo, Ph.D., 34,446	
Signature		
Date	September 23, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	JOHN S. SUNDSMO, PH.D., 34,446		
Signature		Date	September 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christian

Agent Docket No. IMI-002

Serial No: 09/547,501

Group Art Unit: 1617

Filed: April 12, 2000

Examiner: Shaojia A. Jiang

Title: NOVEL PHARMACEUTICAL AGENTS CONTAINING CARBOHYDRATE MOIETIES AND METHODS OF THEIR PREPARATION AND USE

**RESPONSE TO NOTICE OF NON-COMPLIANT PRELIMINARY AMENDMENT**

Vista, California 92085

September 23, 2004

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Applicant considers the enclosed response to be properly made and seeks instruction if this is not the case.

**Request for Extension of Time August 26, 2004:** The pending Office Action ("Action") carried a mailing date of February 26, 2004 setting a 3 month period for response expiring May 26, 2004, i.e., extendible under 37 C.F.R. § 1.136(a). Applicant requested on August 26, 23004 that the statutory period for response be extended by 3 months to expire on August 26, 2004 and enclosed the requisite fee and Form SB22.

**Documents Transmitted August 26, 2004:** The following documents were transmitted on August 26, 2004: (a) a Request for Continued Examination properly made with fee; (b) an Amendment to the Claims and Specification with Replacement Sheets 51, 51A-D; (c) Response to the Paper dated February 26, 2004; and, requisite fees; and, (d) a Supplemental Information Disclosure Statement to address issues raised in the Action. The documents are considered to be a bona fide attempt to fulfill the requirements of a Request for Continued Examination.

**Supplemental Documents Transmitted on September 2, 2004:** A courtesy copy of Likhoshesterov et al. and Supplemental response were transmitted on September 2, 2004.

**Notice of Non-Compliant Amendment dated September 9, 2004:** The Amendment to the claims being considered by the Administrative Branch to be improper for including Cancelled claims, the Notice setting a One Month period for response in the case of a non-compliant Preliminary Amendment, and a bone fide attempt being made to fulfill the requirements of the Request for Continued Examination, Applicant now submits within the allowed time period for response a revised set of claims removing the Cancelled claims. A bona fide attempt having been made to fulfill the RCE, the Amendment included therewith considered to a Preliminary Amendment, Response being made within the one month period for response, no fee is required.